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Attorney for Defendant Jackie Lee Newsome

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JACKIE LEE NEWSOME,  
  
Defendant.

Case No.: 2:11-cr-223-JAD-CWH-1  
Case No.: 2:12-cr-145-JAD-GWF-2

**STIPULATION TO CONTINUE  
SENTENCING HEARING**

(Seventh Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Kimberly Frayn, Assistant United States Attorney, counsel for the United States of America, and Melanie A. Hill, counsel for defendant JACKIE LEE NEWSOME, that the sentencing hearing currently scheduled for January 21, 2015, at the hour of 10:00 a.m. be vacated and continued at least thirty (30) days to a date and time convenient to this court on a Monday, Wednesday, or Friday morning. Counsel for Mr. Newsome requests that the sentencing hearing be set in the morning to accommodate Mr. Newsome's long-time girlfriend and mother of his 14 year old son, Rhonda Hickman's, afternoon work schedule. Ms. Hickham would like to attend the sentencing hearing and speak on Mr. Newsome's behalf. Mr. Newsome also requests that his sentencing hearing be scheduled on a Monday, Wednesday, or Friday to accommodate his current dialysis schedule.

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1 This Stipulation is entered into for the following reasons:

2 1. Counsel for the Defendant, Melanie Hill, and counsel for the Government, Kimberly  
3 Frayn, are awaiting the determination by the 5K committee of the Government's recommended  
4 sentence and anticipate that a decision will be made on January 20, 2015, the day before the current  
5 scheduled sentencing. Once the recommendation is made, counsel for Mr. Newsome needs  
6 additional time to prepare his sentencing memorandum based on the Government's recommended  
7 sentence.

8 2. The parties have been diligent in obtaining the information needed by the committee  
9 regarding Mr. Newsome's current medical status, however, unanticipated delays occurred as detailed  
10 herein. Counsel for Mr. Newsome was waiting for letters from Mr. Newsome's treating physicians  
11 to provide to counsel for the Government regarding the severity of Mr. Newsome's medical  
12 conditions and Mr. Newsome's prognosis. However, due to a closing of Mr. Newsome's primary  
13 care physicians's office for a week during the holidays and the doctor's busy schedule, the letters  
14 were not received until December 23, 2014 and January 6, 2015. Additionally, Mr. Newsome has  
15 recently been referred to an additional specialist this week and counsel is in the process of obtaining  
16 a letter from Mr. Newsome's newest specialist. Counsel for Mr. Newsome is also obtaining an  
17 additional letter from Mr. Newsome's primary care physician regarding his daily medications and  
18 the impact on his health if he is taken off any of his medications if incarcerated at the Bureau of  
19 Prisons. This newest request regarding medications is based on recent charges to Mr. Newsome's  
20 heath and necessity to meet with a new specialist.

21 3. Counsel for the Government was delayed in seeking approval from the committee  
22 due to her and her supervisor's participation in a week long evidentiary hearing in one of her other  
23 federal criminal cases during the week of December 15, 2014 that was scheduled after the November  
24 19, 2014 status conference in this case.

25 4. The defendant is out on a PR bond and does not object to the continuance.

26 5. The parties agree to the continuance.

27 6. The additional time requested herein is not sought for purposes of delay, but to allow  
28 counsel for both parties additional time to prepare for the sentencing hearing in this case after both

1 parties receive the Government's 5K/3553(e) sentencing determination by the 5K committee next  
2 week. Thereafter, both counsel can finalize their sentencing memorandums and file them with the  
3 Court.

4 7. Additionally, denial of this request for continuance could result in a miscarriage of  
5 justice.

6 This is the seventh request to continue the sentencing hearing filed herein.

7 DATED this 15th day of January, 2015.

8  
9 LAW OFFICE OF MELANIE HILL  
Appointed Counsel

DANIEL G. BOGDEN  
United States of America

10 */s/ Melanie A. Hill*

*/s/ Kimberly Frayn*

11 By: \_\_\_\_\_  
12 MELANIE A. HILL  
Counsel for Defendant Jackie Lee Newsome

By: \_\_\_\_\_  
KIMBERLY FRAYN  
Assistant United States Attorney  
Counsel for the Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

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**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the Defendant, Melanie Hill, and counsel for the Government, Kimberly Frayn, are awaiting the determination by the 5K committee of the Government's recommended sentence and anticipate that a decision will be made on January 20, 2015, the day before the current scheduled sentencing. Once the recommendation is made, counsel for Mr. Newsome needs additional time to prepare his sentencing memorandum based on the Government's recommended sentence.

2. The parties have been diligent in obtaining the information needed by the committee regarding Mr. Newsome's current medical status, however, unanticipated delays occurred as detailed herein. Counsel for Mr. Newsome was waiting for letters from Mr. Newsome's treating physicians to provide to counsel for the Government regarding the severity of Mr. Newsome's medical conditions and Mr. Newsome's prognosis. However, due to a closing of Mr. Newsome's primary care physicians's office for a week during the holidays and the doctor's busy schedule, the letters

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15 counsel for both parties additional time to prepare for the sentencing hearing in this case after both  
16 parties receive the Government's 5K/3553(e) sentencing determination by the 5K committee next  
17 week. Thereafter, both counsel can finalize their sentencing memorandums and file them with the  
18 Court.

19 7. Additionally, denial of this request for continuance could result in a miscarriage of  
20 justice.

21 8. This is the seventh request to continue the sentencing hearing filed herein.

22 **CONCLUSIONS OF LAW**

23 For all of the above-stated reasons, the ends of justice would best be served by a continuance  
24 of the sentencing hearing.

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**ORDER**

IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for January 21, 2015, at the hour of 10:00 a.m. be vacated and continued to Monday, February 23, 2015, at 11:00 a.m.

DATED this \_ 15th day of January, 2015.

  
JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE